



February 17, 2004

ENGROSSED SENATE BILL No. 342

DIGEST OF SB 342 (Updated February 12, 2004 9:18 am - DI 96)

Citations Affected: IC 9-13; IC 9-17; IC 9-18; IC 9-22; IC 9-23; IC 9-24; IC 14-16; IC 32-33.

Synopsis: Various motor vehicle matters. Allows an unpaid provider of towing services to obtain a mechanic's lien on a towed vehicle and sell the vehicle. Requires a person to obtain a certificate of title from the bureau of motor vehicles for an off-road vehicle that the person purchases after June 30, 2004. Requires a person who becomes an Indiana resident after June 30, 2004, to obtain a certificate of title from the bureau for an off-road vehicle: (1) that the person owns; and (2) for which a certificate of title was issued by another state. Specifies that a learner's permit holder who: (1) is less than 18 years of age and holds a validated permit; or (2) is enrolled in an approved driver's education course; may drive a motor vehicle when the seat beside the driver's seat is occupied by a person who is a stepparent of the permit holder and holds a valid operator's license. Authorizes an eligible individual to receive not more than five disabled veteran license plates for motor vehicles registered to the individual.

Effective: July 1, 2004.

Young R Michael

(HOUSE SPONSORS — RESKE, HINKLE, STUTZMAN)

January 12, 2004, read first time and referred to Committee on Judiciary.
January 29, 2004, reported favorably — Do Pass.
February 2, 2004, read second time, ordered engrossed. Engrossed.
February 4, 2004, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

February 6, 2004, read first time and referred to Committee on Roads and Transportation.
February 16, 2004, amended, reported — Do Pass; recommitted to Committee on Ways and Means.

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ES 342—LS 7046/DI 105+



February 17, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 342

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-42, AS AMENDED BY P.L.74-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 42. (a) "Dealer" means, except as otherwise
4 provided in this section, a person who sells to the general public,
5 including a person who sells directly by the Internet or other computer
6 network, at least twelve (12) vehicles each year for delivery in Indiana.
7 A dealer must have an established place of business that meets the
8 minimum standards prescribed by the bureau under rules adopted
9 under IC 4-22-2.
10 (b) The term does not include the following:
11 (1) A receiver, trustee, or other person appointed by or acting
12 under the judgment or order of a court.
13 (2) A public officer while performing official duties.
14 (3) A person who is a dealer solely because of activities as a
15 transfer dealer.
16 (4) **A person that sells off-road vehicles.**
17 (c) "Dealer", for purposes of IC 9-31, means a person that sells to

ES 342—LS 7046/DI 105+



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the general public for delivery in Indiana at least six (6) boats per year.

SECTION 2. IC 9-13-2-114.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 114.6. "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.**

SECTION 3. IC 9-13-2-123, AS AMENDED BY P.L.21-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 123. (a) "Passenger motor vehicle" means, except as provided in subsection (b), a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, a bus, ~~or~~ a school bus, **or an off-road vehicle.**

(b) For purposes of IC 9-19-10, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.

SECTION 4. IC 9-17-2-1, AS AMENDED BY P.L.181-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; **or**

(2) are off-road vehicles for which a certificate of title was issued by another state;

and that will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 5. IC 9-17-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.5. A person who purchases an off-road vehicle after June 30, 2004, must obtain a certificate of title for the off-road vehicle from the bureau.**

SECTION 6. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. If an application for a certificate of title is for a vehicle brought into Indiana from another state, the application must be accompanied by:

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(1) the certificate of title issued for the vehicle by the other state if the other state has a certificate of title law; ~~or~~

(2) a sworn bill of sale or dealer's invoice fully describing the vehicle and the most recent registration receipt issued for the vehicle if the other state does not have a certificate of title law; **or**

(3) other information that the bureau requires, if the other state does not have a certificate of title or registration law.

SECTION 7. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

~~(b)~~ (c) A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

~~(c)~~ (d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 8. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A person applying for a certificate of title must:

(1) apply for registration of the vehicle described in the application for the certificate of title; or

(2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 9. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. **A certificate of title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under IC 14-16-1.**

SECTION 10. IC 9-17-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 0.5. **This chapter does not apply to an off-road vehicle.**

SECTION 11. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This article does not

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1 apply to the following:

- 2 (1) Farm wagons.
- 3 (2) Farm tractors.
- 4 (3) Farm machinery.
- 5 (4) A new motor vehicle, if the new motor vehicle is being
- 6 operated in Indiana solely to remove it from an accident site to a
- 7 storage location because:

- 8 (A) the new motor vehicle was being transported on a railroad
- 9 car or semitrailer; and

- 10 (B) the railroad car or semitrailer was involved in an accident
- 11 that required the unloading of the new motor vehicle to
- 12 preserve or prevent further damage to it.

13 **(5) Off-road vehicles.**

14 SECTION 12. IC 9-18-18-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. Not more than ~~two~~
 16 ~~(2)~~ **five (5)** disabled veteran license plates may be issued to each
 17 eligible person.

18 SECTION 13. IC 9-22-3-0.5 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle"**
 21 **does not include an off-road vehicle.**

22 SECTION 14. IC 9-22-5-15 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) An individual,
 24 a firm, a limited liability company, or a corporation that performs labor,
 25 furnishes materials or storage, or does repair work on a motor vehicle,
 26 trailer, semitrailer, or recreational vehicle at the request of the person
 27 who owns the motor vehicle has a lien on the vehicle to the reasonable
 28 value of the charges for the labor, materials, storage, or repairs.

29 **(b) An individual, a firm, a partnership, a limited liability**
 30 **company, or a corporation that provides towing services for a**
 31 **motor vehicle, trailer, semitrailer, or recreational vehicle at the**
 32 **request of:**

- 33 **(1) the person who owns the motor vehicle, trailer,**
- 34 **semitrailer, or recreational vehicle; or**

- 35 **(2) an individual, a firm, a partnership, a limited liability**
- 36 **company, or a corporation on whose property an abandoned**
- 37 **vehicle, trailer, semitrailer, or recreational vehicle is located;**
- 38 **has a lien on the vehicle to the reasonable value of the charges for**
- 39 **the towing services and other related costs. An individual, a firm,**
- 40 **a partnership, a limited liability company, or a corporation that**
- 41 **obtains a lien for an abandoned vehicle under subdivision (2) must**
- 42 **comply with the requirements of IC 9-22-1-16, IC 9-22-1-17, and**

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1 **IC 9-22-1-19.**

2 **(c)** If:

- 3 (1) the charges made under subsection (a) **or (b)** are not paid; and
 4 (2) the motor vehicle, trailer, semitrailer, or recreational vehicle
 5 is not claimed;

6 within thirty (30) days from the date on which the motor vehicle was
 7 left in **or came into** the possession of the individual, firm, limited
 8 liability company, or corporation for repairs, storage, **towing**, or the
 9 furnishing of materials, the individual, firm, limited liability company,
 10 or corporation may advertise the vehicle for sale. The vehicle may not
 11 be sold before fifteen (15) days after the date the advertisement
 12 required by subsection ~~(c)~~ **(d)** has been placed or after notice required
 13 by subsection ~~(d)~~ **(e)** has been sent, whichever is later.

14 ~~(c)~~ **(d)** Before a vehicle may be sold under subsection ~~(b)~~, **(c)**, an
 15 advertisement must be placed in a newspaper of general circulation
 16 printed in the English language in the city or town in which the
 17 lienholder's place of business is located. The advertisement must
 18 contain at least the following information:

- 19 (1) A description of the vehicle, including make, type, and
 20 manufacturer's identification number.
 21 (2) The amount of the unpaid charges.
 22 (3) The time, place, and date of the sale.

23 ~~(d)~~ **(e)** In addition to the advertisement required under subsection
 24 ~~(c)~~, **(d)**, the person who holds the mechanic's lien must:

- 25 (1) notify the person who owns the motor vehicle and any other
 26 person who holds a lien of record at the person's last known
 27 address by certified mail, return receipt requested; **or**
 28 (2) **if the motor vehicle is an abandoned motor vehicle,**
 29 **provide notice as required under subdivision (1) if the location**
 30 **of the owner of the motor vehicle or a lienholder of record is**
 31 **determined by the bureau in a search under IC 9-22-1-20;**

32 that the vehicle will be sold at public auction on a specified date to
 33 satisfy the lien imposed by this section.

34 ~~(e)~~ **(f)** A person who holds a lien of record on a vehicle subject to
 35 sale under this section may pay the storage, repair, **towing**, or service
 36 charges due. If the person who holds the lien of record elects to pay the
 37 charges due, the person is entitled to possession of the vehicle and
 38 becomes the holder of the mechanic's lien imposed by this section.

39 ~~(f)~~ **(g)** If the person who owns a vehicle subject to sale under this
 40 section does not claim the vehicle and satisfy the lien on the vehicle,
 41 the vehicle may be sold at public auction to the highest and best bidder
 42 for cash. A person who holds a mechanic's lien under this section may

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purchase a motor vehicle subject to sale under this section.

~~(g)~~ **(h)** A person who holds a mechanic's lien under this section may deduct and retain the amount of the lien and the cost of the advertisement required under subsection ~~(c)~~ **(d)** from the purchase price received for a motor vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person who owns the motor vehicle if the person's address or whereabouts is known. If the address or whereabouts of the person who owns the vehicle is not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person who holds the mechanic's lien has a place of business for the use and benefit of the person who owns the vehicle.

~~(h)~~ **(i)** A person who holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

- (1) The facts of the sale.
- (2) The vehicle identification number.
- (3) The certificate of title if available.
- (4) A certificate from the newspaper showing that the advertisement was made as required under subsection ~~(c)~~ **(d)**.

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

SECTION 15. IC 9-23-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include an off-road vehicle.**

SECTION 16. IC 9-23-2.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to a person that leases off-road vehicles.**

SECTION 17. IC 9-23-3-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.1. This chapter does not apply to a person that distributes or manufactures off-road vehicles.**

SECTION 18. IC 9-23-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 2. (a) This section does not apply to a manufacturer of off-road vehicles.**

(b) Notwithstanding the terms, provisions, or conditions of any agreement or franchise, the manufacturer or the converter manufacturer

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is liable for all damage to a new motor vehicle before delivery to a carrier or transporter.

SECTION 19. IC 9-23-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to a franchise that sells off-road vehicles.**

SECTION 20. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.

(2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, **stepparent**, or relative of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(4) While:

(A) the holder is enrolled in an approved driver education course;

(B) the holder is participating in practice driving after having commenced an approved driver education course; and

(C) the seat beside the holder is occupied by a parent, **stepparent**, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

SECTION 21. IC 14-16-1-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 9.5. Registration under this chapter does not relieve an owner of an off-road vehicle from any requirement to obtain a certificate of title for the off-road vehicle under IC 9-17-2.**

SECTION 22. IC 32-33-10-5, AS ADDED BY P.L.2-2002, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. A person engaged in:

(1) **towing**, repairing, storing, servicing, or furnishing supplies or

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accessories for motor vehicles, airplanes, construction machinery and equipment, and farm machinery; or

(2) maintaining a motor vehicle garage, an airport or repair shop for airplanes, or a repair shop or servicing facilities for construction machinery and equipment and farm machinery;

has a lien on any motor vehicle or airplane or any unit of construction machinery and equipment or farm machinery **towed**, stored, repaired, serviced, or maintained for the person's reasonable charges for the **towing**, repair work, storage, or service, including reasonable charges for labor, for the use of tools, machinery, and equipment, and for all accessories, materials, gasoline, oils, lubricants, and other supplies furnished in connection with the **towing**, repair, storage, servicing, or maintenance of the motor vehicle, airplane, unit of construction machinery and equipment, or farm machinery.

SECTION 23. IC 32-33-10-6, AS ADDED BY P.L.2-2002, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) A person seeking to acquire a lien upon a motor vehicle, an airplane, a unit of construction machinery and equipment, or farm machinery, whether the claim to be secured by the lien is then due or not, must file in the recorder's office of the county where:

(1) the **towing**, repair, service, or maintenance work was performed; or

(2) the storage, supplies, or accessories were furnished;

a notice in writing of the intention to hold the lien upon the motor vehicle, airplane, unit of construction machinery and equipment, or farm machinery for the amount of the person's claim.

(b) A notice filed under subsection (a) must specifically state the amount claimed and give a substantial description of the motor vehicle, airplane, unit of construction machinery and equipment, or farm machinery upon which the lien is asserted.

(c) Any description in a notice of intention to hold a lien filed under subsection (a) is sufficient if by the description the motor vehicle, airplane, unit of construction machinery and equipment, or farm machinery can be identified.

(d) A notice under subsection (a) must be filed in the recorder's office not later than sixty (60) days after the:

(1) performance of the **towing or** work; or ~~the~~

(2) furnishing of the storage, supplies, accessories, or materials.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 342, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 342 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 342, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 38, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-42, AS AMENDED BY P.L.74-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year for delivery in Indiana. A dealer must have an established place of business that meets the minimum standards prescribed by the bureau under rules adopted under IC 4-22-2.

(b) The term does not include the following:

- (1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.
- (2) A public officer while performing official duties.
- (3) A person who is a dealer solely because of activities as a transfer dealer.

(4) A person that sells off-road vehicles.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6) boats per year.

SECTION 2. IC 9-13-2-114.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 114.6. "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.**

SECTION 3. IC 9-13-2-123, AS AMENDED BY P.L.21-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 123. (a) "Passenger motor vehicle" means, except as provided in subsection (b), a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, a bus, ~~or~~ a school bus, **or an off-road vehicle.**

(b) For purposes of IC 9-19-10, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.

SECTION 4. IC 9-17-2-1, AS AMENDED BY P.L.181-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all

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vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; **or**
- (2) are off-road vehicles for which a certificate of title was issued by another state;**

and **that** will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 5. IC 9-17-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.5. A person who purchases an off-road vehicle after June 30, 2004, must obtain a certificate of title for the off-road vehicle from the bureau.**

SECTION 6. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. If an application for a certificate of title is for a vehicle brought into Indiana from another state, the application must be accompanied by:

- (1) the certificate of title issued for the vehicle by the other state if the other state has a certificate of title law; **or**
- (2) a sworn bill of sale or dealer's invoice fully describing the vehicle and the most recent registration receipt issued for the vehicle if the other state does not have a certificate of title law; **or**
- (3) other information that the bureau requires, if the other state does not have a certificate of title or registration law.**

SECTION 7. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

~~(b)~~ (c) A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles

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or kilometers on the vehicle.

~~(c)~~ (d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 8. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. **(a) This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A person applying for a certificate of title must:

- (1) apply for registration of the vehicle described in the application for the certificate of title; or
- (2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 9. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 17. A certificate of title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under IC 14-16-1.**

SECTION 10. IC 9-17-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to an off-road vehicle.**

SECTION 11. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This article does not apply to the following:

- (1) Farm wagons.
- (2) Farm tractors.
- (3) Farm machinery.
- (4) A new motor vehicle, if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:
 - (A) the new motor vehicle was being transported on a railroad car or semitrailer; and
 - (B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(5) Off-road vehicles.

SECTION 12. IC 9-18-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. Not more than ~~two~~ **(2) five (5)** disabled veteran license plates may be issued to each eligible person.

SECTION 13. IC 9-22-3-0.5 IS ADDED TO THE INDIANA CODE

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AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include an off-road vehicle."**

Page 3, line 11, after "company," insert "**or**".

Page 3, line 11, delete "corporation, or a unit of government" and insert "**corporation**".

Page 5, delete lines 2 through 7, begin a new paragraph and insert:
"SECTION 15. IC 9-23-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include an off-road vehicle.**

SECTION 16. IC 9-23-2.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to a person that leases off-road vehicles.**

SECTION 17. IC 9-23-3-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.1. This chapter does not apply to a person that distributes or manufactures off-road vehicles.**

SECTION 18. IC 9-23-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. **(a) This section does not apply to a manufacturer of off-road vehicles.**

(b) Notwithstanding the terms, provisions, or conditions of any agreement or franchise, the manufacturer or the converter manufacturer is liable for all damage to a new motor vehicle before delivery to a carrier or transporter.

SECTION 19. IC 9-23-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to a franchise that sells off-road vehicles.**

SECTION 20. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

- (1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.
- (2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, **stepparent**, or relative of the holder who holds a valid

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operator's, chauffeur's, or public passenger chauffeur's license.

(3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(4) While:

(A) the holder is enrolled in an approved driver education course;

(B) the holder is participating in practice driving after having commenced an approved driver education course; and

(C) the seat beside the holder is occupied by a parent, **stepparent**, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

SECTION 21. IC 14-16-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 9.5. Registration under this chapter does not relieve an owner of an off-road vehicle from any requirement to obtain a certificate of title for the off-road vehicle under IC 9-17-2."**

Page 6, line 6, after "after the" insert ":

(1)".

Page 6, line 7, after "work" insert ";

Page 6, line 7, strike "the", begin a new line block indented and insert:

"(2)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 342 as printed January 30, 2004.)

RESKE, Chair

Committee Vote: yeas 11, nays 0.

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